

On motion of Senator Bagby, the Senate adjourned until Monday, 9 o'clock A. M.

SENATE CHAMBER, }
 MONDAY, February 23, 1846. }
 10 o'clock, A. M.

Senate met pursuant to adjournment—President *pro tem.* in the Chair, roll called and a quorum present—

Journals of the preceding day, read and adopted.

Senator Parker offered the following resolution :

Resolved, That the committee on the Judiciary, enquire into the expediency of immediately organizing the inferior Courts of this State, in accordance with the provisions of the Constitution, and that they report by bill. Adopted.

On motion of Senator Wood, the Senate proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, an act authorizing the Governor of the State of Texas to cede and transfer to the United States, all the property of what description soever, embraced in and contemplated by the Joint Resolution of both Houses of the Congress of the United States, approved 1st March 1845, and the 8th section of the 13th article of the Constitution of the State of Texas. Read 3d time, and passed.

A bill, to be entitled, an act to promote the methodical transfer of the principal affairs of the Republic of Texas, to the proper authorities of the State of Texas. Read 3d time, and passed.

A bill, to be entitled, an act creating the county of Dallas. Read 2d time, and referred to the committee on County Boundaries.

A bill, to be entitled, an act authorizing the Governor to appoint a private Secretary. Read 2d time, and laid on the table.

Senator Grimes introduced a Joint Resolution, instructing our Senators, and requesting our Representatives, in the United States Congress, to use their influence to obtain an extension of the Great South Western Rail Road, through Texas, in the direction of Chihuahua. Read 1st time.

Resolution of the House, requesting the Senate to meet the House in the Representative Hall, on to-morrow at 11 o'clock, and proceed to the election of a State Treasurer and Comptroller of Public Accounts, concurred in.

The President announced the following Senators, as the select committee on the re-organizing of the Judicial Districts; Senators Hogg, Williams, Wood, Jewett, Miller, Phillips and Cuney.

Senator Jewett, Chairman of select committee, to whom was referred three several bills to provide for the election of Representatives to the United States Congress, and to divide the State into Congressional Districts, reported the same back to the Senate by substitute, and recommended its passage.

Senator Parker, one of the committee, dissented from the report.

On motion of Senator Jewett, the bill was made the special order of the day for 3 o'clock.

Senator Wallace, Chairman of select committee appointed to draft rules for conducting the business of the Senate, reported that the committee had prepared the following, and recommended their adoption.

R U L E S

FOR CONDUCTING BUSINESS IN THE SENATE OF THE STATE OF TEXAS.

1. The presiding officer shall take the chair, precisely at the time to which the Senate last adjourned.

2. The names of the Senators shall then, and generally, be alphabetically called; if there be less than a quorum present, a majority of them shall be authorized to send the Sergeant at Arms, or a special messenger, for the absentees; if there be a quorum present, the journal of the preceding day shall be read to the end, and corrected, if necessary.

3. After reading of the journal, the presiding officer shall call first for petitions, then for reports from standing committees, then select committees, (and all reports shall be in writing) then for bills and resolutions, which shall be disposed of

in the order in which they were introduced, unless otherwise directed by the Senate; the Senate shall then proceed with the business on the table, and afterwards to the orders of the day.

4. The unfinished business in which the Senate was engaged at its last preceding adjournment, shall have precedence over a special order of the day; and no motion, or any other business, shall be received without special leave of the Senate, until the former shall have been disposed of.

5. Every bill shall be read in the Senate, on three several days, and free discussion allowed thereon, before it shall have the force of a law, unless in case of great emergency, four-fifths of the members present may deem it expedient to dispense with this rule; and the presiding officer shall, at each reading, announce whether it be the first, second, or third reading.

6. No bill or resolution shall be read the third time and passed, on the same day on which a committee may have reported thereon, unless four-fifths of the Senate shall so decide.

7. Every resolution to which the signature of the Governor may be requisite, shall be subject to the rules that govern the proceedings on bills.

8. The first reading of a bill shall be for information, but it may be then rejected.

9. No bill shall be committed or amended, until it shall have been twice read.

10. After the second reading of a bill, resolution, or other matter originating in the Senate, and requiring three readings, the question shall be—"Whether it shall be committed or engrossed, and read a third time."

11. A bill, resolution, &c., shall, at all times after its second reading, and before its final passage, be subject to commitment.

12. No amendment shall be received at the third reading of a bill or resolution, &c., without the consent of two-thirds of the members present.

13. Motions and reports may be committed, at the pleasure of the Senate.

14. After a motion has been stated by the presiding officer, or read by the Secretary, it shall be deemed to be in the possession of the Senate; but it may be withdrawn, at any time, before a decision or an amendment.

15. No motion shall be debated, until it shall have been seconded; and, if desired by the presiding officer, or any Senator present, it shall first be reduced to writing, delivered at the table, and audibly read to the Senate.

16. No member shall absent himself from the service of the

Senate without leave, or unless he be sick or unable to attend.

17. When two or more members shall have risen at the same time, the presiding officer shall name one of them to speak first.

18. The member who shall have first risen, shall be first heard.

19. Every member shall stand in his place while speaking, direct his remarks to the presiding officer, and sit down on concluding.

20. No member shall speak more than once in any debate on a motion, or at any reading of a bill, resolution, amendment, &c., until each member desirous of debating, shall have spoken once, nor shall any member speak more than twice, without leave of the Senate, at any reading of a bill, resolution or amendment; or in any debate on a motion, petition or memorial.

21. No rule shall be suspended by less than the concurrent votes of two-thirds of the members present.

22. After a question shall have been decided in the affirmative or negative, any member who voted with the majority may, on the day in which the vote was taken, or within the next succeeding day of actual session, move the re-consideration thereof; unless the bill, resolution, amendment, message, motion, or report, upon which the vote had been taken, shall have passed out of the possession of the Senate.

23. In all cases, a motion to re-consider shall be decided by a majority of the votes.

24. If the Senate be equally divided, on any question or motion, the Lieutenant Governor, if presiding, shall give the casting vote.

25. The President for the time, of the Senate, shall not, by virtue of his office, be entitled to give the casting vote, in any case.

26. All questions shall be distinctly put by the presiding officer; and the members shall signify their assent or dissent by answering "aye" or "no."

27. The President of the Senate, or President for the time, shall have the right to name a member to discharge the duties of the Chair for the time.

28. The presiding officer of the Senate shall have the regulation of such parts of the Capitol, as have been, or may be, set apart for the use of the Senate and its officers.

29. When the reading of a paper is called for by a member, it shall be read, unless the Senate object.

30. On the call of three members for the ayes and noes, on any question, they shall be taken; and each member, upon his

name being called, unless he be excused by the Senate, shall, without debate, answer "aye" or "no."

31. A call of the Senate may be demanded by three members; and if there be any absent, the names of the absentees shall be called again; if they answer not, the Sergeant at Arms, or a special messenger, may be despatched for them, and the question under debate, shall be, without a motion, laid on the table, until the absentees appear, or the call be suspended.

32. When a member shall be called to order by the presiding officer, or by a Senator, he shall sit down until the question of order be decided, unless permitted to explain: if the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

33. If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the presiding officer may be better enabled to judge of them.

34. Every question of order, shall, in the first instance, be decided by the presiding officer, from whose decision any member may appeal to the Senate.

35. The presiding officer may call for the opinion of the Senate, on any question of order; and while putting a question, or addressing the Senate, he shall not be interrupted.

36. In all elections by the Senate, the votes shall be given *viva voce*, except in elections of officers of the Senate.

37. While a member is engaged in debate, no other member shall interrupt him, except, by leave, to explain; nor shall a member speak to any one or walk across the floor, or otherwise interrupt the business of the Senate, either while the Secretary may be reading the journals, or a bill, resolution, or other paper, to the Senate, or at any other time.

38. When a question is under debate, no motion shall be received, except to adjourn, to re-consider, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a time certain, to commit or to amend; and these motions shall severally have precedence, in the order in which they here stand.

39. No motion to postpone, or to commit, having been once decided, shall be again allowed on the same day, at the same stage of the bill, or other business.

40. The previous question, and a motion to adjourn, shall be decided without debate.

41. A motion to adjourn shall be always in order.

42. A bill, resolution, or motion, having been rejected, or indefinitely postponed, shall not be again acted on during the same

session; nor shall any other bill or resolution containing the same substance, be passed into a law during the same session.

43. Any member may have the question under debate divided, if it be susceptible of a division into distinct questions.

44. A motion to strike out being lost, shall not preclude a motion to amend, or to strike out and insert.

45. On a motion, the largest sum and the longest time shall have precedence.

46. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents, shall be made by the introducer.

47. No motion to admit any person whomsoever in the Senate, to present a petition, memorial, or address, or to hear it read, shall be in order.

48. When a proposed amendment to the Constitution may be under consideration, the concurrent votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the main question.

49. Messages, bills, resolutions, &c., shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them, the final determination of the Senate thereon.

50. Messages may be received at any time, except when a question is pending, while the ayes and noes are being taken, or while the ballots are being counted.

51. An accurate statement of the proceedings of the Senate, when not in committee of the whole, shall be entered on the journals; also, every vote of the Senate; but only the titles of bills, resolutions, &c., and a brief statement of the contents of each petition, memorial, or remonstrance presented to the Senate, shall be inserted on the journals.

52. The proceedings of the Senate, when acting in an executive capacity, shall be kept in separate and distinct books; and extracts from the executive records shall not be furnished, except by special order.

53. When nominations shall be made in writing by the Governor of the State to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration.

54. The following standing committees, each to consist of not less than three members, shall be appointed by the presiding officer of the Senate, at the commencement of each session of the Legislature.

A Committee on the Judiciary.

| | | |
|---|---|-------------------------------|
| " | " | Finance. |
| " | " | Militia. |
| " | " | Public Lands. |
| " | " | Private Land Claims. |
| " | " | Indian Affairs. |
| " | " | Roads, Bridges, and Ferries. |
| " | " | Contingent Expenses. |
| " | " | Education. |
| " | " | Internal Improvements. |
| " | " | Claims and Accounts. |
| " | " | Engrossed and Enrolled Bills. |

55. It shall be in order, for the Committee on Engrossed and Enrolled Bills, to report at any time.

56. When motions may be made, to refer the same subject to a select committee, to a standing committee, and to a committee of the whole, the motion to refer to a standing committee shall take precedence of the motion to refer to a select committee; and the motion to refer to a committee of the whole, shall take precedence of both.

57. The Senate may punish its members for disorderly conduct; and, with the consent of two-thirds, may expel a member; but not a second time for the same offence.

58. The Senate, during its session, may imprison, for forty-eight hours, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings.

59. The Governor of the State of Texas, the Ex-Presidents of the Republic of Texas, and such other distinguished persons as the Senate or the presiding officer thereof, may invite within the bar of the Senate Chamber, shall be supplied with seats therein.

60. Jefferson's Manual is hereby made the book of reference, for the explanation of the foregoing rules.

JOINT RULES AND ORDERS OF THE TWO HOUSES.

and

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their Chairman, meet in the conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons

of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on paper, by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

8. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Senate.

9. After a bill shall have been thus signed in each House, it shall be presented by the said committees to the Governor, for his approbation—it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the journal of each House.

10. When a bill or resolution which shall have passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. Each House transmits to the other, all papers on which any bill or resolution shall be founded.

12. After each House shall have adhered to their disagreement, a bill or resolution is lost.

13. In all elections by joint ballot of the two Houses of the Legislature, the Senate will, upon invitation, meet the House in the Hall, at the hour agreed upon.

On motion of Senator Williamson, fifty copies were ordered to be printed for the consideration of the Senate:

Senator Wallace moved to re-consider the vote just taken: Carried.

A message was received from the House, through their Chief Clerk, Mr. James H. Raymond, informing the Senate, that the House had adopted the joint rules of the 9th Congress, for the present session of the Legislature; and had taken action upon the resolution of the Senate to appoint a joint committee for the purpose of drafting rules.

Senator Parker, Chairman of the select committee appointed to wait upon the Hon. N. H. Darnell, Lieutenant Governor *elect*, introduced him to the Senate.

Whereupon, he addressed the Senate as follows:

Mr. President and Gentlemen of the Senate:

I have learned since my arrival in the city, that at the time specified under the Constitution and laws of the State, both Houses of the Legislature proceeded to examine the result of the late general election for Governor and Lieutenant Governor, and that I was declared to be elected Lieutenant Governor.

I have also learned, that a full return of the vote of the whole State was not made, and that probably if such had been the case, a different result would have appeared. Under such circumstances, I could not for a moment think of accepting the office. I have too high a regard for the principles of a free Government, of the right of the majority to rule, to disappoint their expectations and wishes.

I would therefore sincerely ask of the Hon. the Legislature, to re-consider of their action in this matter, and find out to whom the greatest number of the suffrages of the people of Texas were given for the office of Lieutenant Governor, at said election; and accord to the individual the station and office to which he was called.

On motion of Senator Phillips, a committee of three were appointed to act in conjunction with a like committee on the part of the House, to carry into effect the recommendation of the Lieutenant Governor *elect*.

Senators Phillips, Cuney, and Kinney, were appointed said committee.

The President *pro tem.*, announced Senators Wallace Williams and McNeel, the committee for the contracting of the job printing of the Senate.

Senator Navarro offered the following resolution :

Be it resolved, By the Senate of the State of Texas, that whereas the Senate has just been notified by the Hon. N. H. Darnell, that owing to lack of certain election returns, at the counting of the votes, on which he was declared Lieutenant Governor *elect* of the State of Texas, he declines accepting such office, unless it be ascertained by examination that he had really a majority of the votes given by the people, whether returned or not; therefore :

Be it resolved, That the Senate consider this generous and republican act of patriotism, as worthy of the highest regard. Unanimously adopted.

Senator Wood introduced a bill, to be entitled, an act creating the county of Polk. Read 1st time.

A message from the House through James H. Raymond Chief Clerk, informing the Senate that the House had concurred in the resolution of the Senate, to appoint a joint committee to inquire into the expediency of re-considering the election returns for Lieutenant Governor, and had appointed Messrs. Perkins, Stevenson and Russell, said committee.

Senator Robinson offered the following resolution :

Resolved, That the thanks and highest confidence of the Senate, be tendered to that great friend of civil and religious liberty, the ex-President John Tyler, for the very able and consistent course he pursued, while discharging the high and important duties of Chief Magistrate of the United States.

Resolved further, That the successful termination of his magnanimous and masterly effort to effect the object of Annexation, entitle him to the grateful thanks of the friends of civil and religious liberty wherever they may be.

Resolved further, That the Secretary of the Senate, furnish the ex-President John Tyler, with a copy of these resolutions Unanimously adopted.

Senator Wallace offered the following resolution :

Resolved, That the Committee on Printing, be authorized to contract for copies of the "Democrat," and "New Era," weekly during the session of the Legislature, for the use of the Senate

Senator McKinney introduced a bill, to be entitled, an act for the relief of persons having goods in public stores, introduc-

ed under the Revenue Laws of the Republic of Texas. Read 1st time

On motion of Senator Kinney, the Senate adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

Senate met—roll called, and a quorum present.

Senator Hogg offered the following resolution :

Resolved, That the Senate now resolve itself into executive session, for the purpose of passing upon the nomination of a Chief Justice and two Associate Justices of the Supreme Court of the State of Texas, and an Attorney General for said State, transmitted to the Senate, by His Excellency the Governor, and that the Secretary proceed to call the roll of the Senate.

Senator Wallace moved to amend by striking out "Attorney General." Lost.

On motion of Senator Jewett, the resolution was laid on the table until Wednesday, 11 o'clock.

Senator Williams introduced the following bills :

A bill, to be entitled, an act to create the county of Hopkins. Read 1st time.

A bill, to be entitled, an act to create the county of White. Read 1st time.

SPECIAL ORDER OF THE DAY.

A bill, to be entitled, an act to provide for the election of Representatives to the Congress of the United States: on its 2d reading.

Senator Wallace moved to insert "Galveston" in the 2d section of the bill.

The yeas and nays were called for, and stood thus :

Yeas. Senators, Bagby, Bourland, Parker, Robinson, Scott, Wallace and Williams—7.

Nays. Senators, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Phillips, Williamson and Wood—14. So the motion was lost.

Senator Wallace, moved to insert "Montgomery County" in the 1st section of the bill. The yeas and nays being called for, stood thus :

Yeas. Senators, Bagby, Bourland, Navarro and Wallace—4.

Nays. Senators Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Parker, Phillips,

Robinson, Scott, Williams, Williamson and Wood—17. So the motion was lost.

Senator Wallace, moved to insert "Robertson County" in the 1st section of the bill. The yeas and nays were called for, and stood thus:

Yeas. Senators, Bagby, Bourland, Robinson, Scott, and Wallace—5.

Nays. Senators, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Williams, Williamson and Wood—16. Motion lost.

Senator Williams, offered the following amendment—"And after the first Congressional election, all the territory contemplated to be organized in the county of Leon, to its south west corner, thence north along the ridge dividing the waters of the Trinity, from the Brasos River, to Red River." Lost.

Senator Wallace, offered the following amendment to the 2d section of the bill—"And also that portion of Texas, which includes the counties lying wholly or partially on the east side of Trinity River." Lost. Bill ordered to be engrossed.

Senator Wallace, Chairman of select committee, appointed to have the "Rules" printed, reported that the committee had made no contract, and asked to be discharged from further duty. Adopted.

On motion of Senator Scott, the "Rules" as reported by the committee, were read by sections, and amended.

On motion of Senator Parker, the "Rules" were adopted.

On motion, the "Joint Rules" were read and adopted.

On motion of Senator Hogg, the "Rules of the Senate" and the "Joint Rules," were ordered to be printed in the same pamphlet.

Senator Kinney moved the printing of two hundred copies. Lost.

On motion of Senator McNeel, one hundred copies were ordered to be printed.

On motion of Senator Kinney, the Senate adjourned until to morrow, at 9 o'clock, A. M.

SENATE CHAMBER, }
TUESDAY, February 24, 1846. }
9 o'clock, A. M.

Senate met pursuant to adjournment. President *pro tem.*, in the Chair—roll called, and a quorum present.